

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

AMENDMENTS TO THE DRAWINGS

Applicants submit herewith proposed drawing changes to FIG. 2 to correct certain errors in reference numeral labeling. In particular the reference numerals 10a, 10b, 18a, 18b, 22a and 22b were previously omitted from the figure and have been added in this amendment. The specification recites these numerals in reference to FIG. 2. (See page 7, line 3-page 8, line 13). The Examiner is respectfully requested to approve these proposed changes. No new matter is being introduced by these changes but these changes simply conforms the drawings to the description provided in the specification.

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

REMARKS

In the Office Action mailed November 22, 2004, claims 1-17 were rejected under 35 U.S.C. § 103(a). Applicants wish to bring to the Examiner's attention that the application included 19 original claims. It appears that claims 18 and 19 were not previously examined. Applicants respectfully request that original claims 18 and 19 be examined. Claims 1 and 14 have been amended, claims 4, 5 and 13 have been canceled, and claims 20-22 have been added through this amendment. Claims 1-3, 6-12 and 14-22 now remain in the application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and requests reconsideration at this time.

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,177,960 to Michel ("Michel"). Applicants assume that the Office Action is referring to claims 1-6 instead of claims 1-7, as claim 7 is addressed elsewhere in the Office Action. Applicants respectfully disagree with the assertion that the teaching of Michel in light of the knowledge of one of ordinary skill in the art renders the invention of claim 1 obvious. There is no teaching or suggestion in Michel to use brightly colored feathers, as specifically recited in claim 1. The Office Action readily admits that there is no such teaching. (page 2 of Office Action). While Michel does teach that a variety of colors may be used, Michael does not specifically teach bright colors. There is also no teaching, suggestion or motivation to combine the teaching of Michel with the knowledge of one of ordinary skill in the art. Simply because one knows

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

that bright colors exist does not provide the required teaching, suggestion or motivation to combine that knowledge with the Michel reference to arrive at the invention of claim

1. This same line of reasoning may also be used for claim 6. In particular, Michel does not teach or suggest artificially colored feathers, as specifically recited in claim 6.

Again, the Office Action relies on the knowledge of one of ordinary skill in the art as the basis of the rejection. However, simply because one knows that objects may be artificially colored does not provide the required teaching, suggestion or motivation to combine that knowledge with the Michel reference to arrive at the invention of claim 6.

Nevertheless, to advance prosecution of the application toward allowance, independent claim 1 has been amended to more sharply define the invention over the prior art of record. In particular, claim 1 has been amended to specifically recite that the feathers have a stem and are secured to the line at the stem. Michel is directed to an ornamental feather trimming having multiple flues or fibers (1) of a feather that are attached to a cord (2) and subsequently encased in a ribbon (6). The feather fibers (1) are removed from the stem or quill of the feather prior to attachment to the cord (2). Michel states "I first separate the flues or fibers from the quill of the feather, either by tearing or by cutting them off..." (Col. 1, lines 28-31). Thus, Michel does not teach or suggest securing a plurality of feathers to a length of line via the stem of the feather. Not only does Michel not teach or suggest securement at the stem, Michel specifically teaches away from such a possibility, "I first separate the flues or fibers from the quill..."

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

(Id.). At least for these reasons, Applicants submit that independent claim 1 is allowable, and claims 2-3 and 6, which depend therefrom, should also be allowable.

Claims 7-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Michel in view of U.S. Patent No. 4,588,153 to Boston et al. ("Boston"). Applicants respectfully disagree with the assertion that the teaching of Michel in light of the teaching of Boston renders the invention of claim 7 obvious.

Boston is directed to wire holder (10) having an attaching base (15) in the form of a suction cup for securing the wire holder to a mounting surface, such as a window, and a wire mount (20) integrally formed with attaching base (15) and adapted to retain a length of wire, such as Christmas light wires, therein. There is absolutely no teaching, suggestion or motivation for combining these two references to arrive at the invention of claim 7. Michel is directed to a decorative feather trimming with absolutely no mention that the feather trimming is to be mounted to a surface with suction cups as taught by Boston. Moreover, Boston does not teach or suggest extending a wire having a plurality of brightly colored feathers thereon between two suction cups. Simply because it is possible to combine elements in a manner suggested by the Office Action does not render the invention obvious. There must be some motivation in the references to make such a combination to arrive at the invention of claim 7. Michel and Boston simply do not provide the motivation for combining the teaching of these references.

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

As such, the Office Action fails to raise a prima facie case of obviousness and at least for this reason, claim 7 should be allowed. Claims 8-12, which depend from independent claim 7 should also be allowed. Claim 9 should also be allowed for the reasons stated above in regard to claim 6, i.e., Michel fails to teach or suggest artificially colored feathers.

Claim 14 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Michel in view of Boston. Again, Applicants respectfully disagree with the Office Action for the reasons stated above for independent claims 1 and 7. Nevertheless, Applicants have amended claim 14 in a manner similar to claim 1 so as to specifically recite that the feathers have a stem and are attached to the length of line at the stem. As stated above, this recitation is not taught or suggested by Michel and additionally, Michel teaches away from the recitation. Thus for at least these reasons, Applicants submit that independent claim 14 is allowable, and claims 15-16, which depend therefrom, should also be allowable.

Moreover, claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Michel in view of Boston. The Office Action asserts that "given that suction cups over time will slide due to the weight of the decorative line, the resultant decorative line will have sufficient slack to enable the feathers to sway in a breeze." (page 4 of Office Action). First, there is no teaching or suggestion in Michel or Boston to keep the line slack as specifically recited in claim 16. The Office Action seemingly relies on a belief that the line will inherently have slack. The Office Action attempts to

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

support this belief by stating that suction cups will slide together over time. Claim 16 depends from claim 14, which individually or taken together make no mention of suction cups or anchors. Claim 16 simply recites that the line is "slack to enable said feathers to sway in the breeze." The line does not have to necessarily be slack as asserted by the Office Action. Thus rejecting claim 16 based on an inherent property of a line being slack is improper. To be inherent, the property or limitation at issue must necessarily be present. It is not in the present case and thus for at least these reasons, claim 16 should be allowed.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Michel in view of Boston. While claim 17 does specifically recite anchors (not necessarily suction cups), the same argument above for claim 16 still applies. In particular, the line does not have to necessarily be slack. There are anchors that do not move over time so as to make the line slack. Additionally, even for anchors that do move over time, and Applicants do not admit that suction cups will move over time, the anchors may be positioned so as to have no slack in the line. Consequently, the slack in the line is not necessarily present and thus not inherently present. For at least these reasons, as well as the reasons stated above, Applicants submit that claim 17 is allowable.

Claims 18 and 19, which are original claims to the application, were not previously examined. Applicants respectfully request that these claims be examined.

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

These claims also specifically recite slack in the line. Thus for the reasons give above for claims 16 and 17, Applicants submit that claims 18 and 19 are allowable.

Claims 20 and 21 are new claims that each recite that the feathers have a stem and the feathers are secured to the line at the stem. For the reasons given above, Michel, taken alone or in combination with Boston, does not teach or suggest securing the feathers to the line at the stem. Consequently, claims 20 and 21 are allowable. Additionally, new claim 22 recites artificially coloring the brightly colored feathers. For the reasons given above for claims 6 and 9, claim 22 is allowable.

Conclusion

In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Application No. 10/840,013
Amendment dated February 21, 2005
Reply to Office Action of November 22, 2004

Applicants are of the opinion that no additional fee is due as a result of this amendment. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 
Steven W. Benintendi, Reg. No. 56,297

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)
K:\BRI\02U\amd\wpd